

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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CEDAR DEVELOPMENT EAST, LLC,

Plaintiff,

Docket No.: 1:21-CV-0289 (MAD/TWD)

for a judgment pursuant to CPLR Article 78, 30 and 42
U.S.C. §§ 1983 and 1988

NOTICE OF REMOVAL

-against-

TOWN BOARD OF HURLEY and individual members,
JOHN PERRY, MICHAEL BOMS, MELINDA
McKNIGHT, PETER HUMPHRIES, BARBARA
ZELL, PLANNING BOARD OF HURLEY, and
individual members MITCHELL COHEN, KARL
BRUECKNER, DIANA CLINE, WAYNE RICE,
RAYMOND PALMER, TONY BONAVIDA, CHAZEN
COMPANIES, RUSSEL URBAN-MEAD, NELSON,
POPE & VOORHIS, ADRIANA BELTRANI and
BONNIE FRANSON,

Defendants.

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Defendants TOWN BOARD OF HURLEY, JOHN PERRY, MICHAEL BOMS,
MELINDA McKNIGHT, PETER HUMPHRIES, BARBARA ZELL, PLANNING BOARD OF
HURLEY, MITCHELL COHEN, KARL BRUECKNER, DIANA CLINE, WAYNE RICE,
RAYMOND PALMER, and TONY BONAVIDA, by and through their attorneys SOKOLOFF
STERN LLP, as and for their Notice of Removal, set forth as follows:

1. On February 4, 2021, Plaintiff commenced this action in the Supreme Court of the
State of New York, County of Ulster against Defendants. On or about February 10, 2021, Plaintiff
served Defendants with a copy of the summons and complaint annexed hereto as Exhibit A.

2. Plaintiff's complaint asserts, *inter alia*, violations of the United States Constitution
under 42 U.S.C. § 1983 and the Fair Housing Act. (Ex. A ¶¶ 1-2.)

3. This case, therefore, falls within this Court's federal question jurisdiction pursuant to 28 U.S.C. § 1331 which provides, "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

4. The defendants are entitled to remove this action pursuant to 28 U.S.C. § 1441(a), which provides:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

5. Notice of removal shall be filed within 30 days after receipt by the defendant of a copy of the initial pleading. See 28 U.S.C. § 1446(b)(1), (2). Defendants were served on February 10, 2021. Thus, removal is timely and proper.

6. The parties reside in Ulster County, and the alleged conduct giving rise to Plaintiff's claims occurred in Ulster County. Therefore, removal to the courthouse of the Northern District of New York is appropriate.

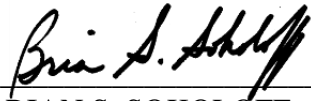
7. All defendants who have been served consent to removal of this action.

WHEREFORE, Defendants respectfully request that this action, now pending in the Supreme Court of the State of New York, County of Ulster, be removed therefrom to this Court.

Dated: Carle Place, New York
March 10, 2021

SOKOLOFF STERN LLP
Attorneys for Defendants
Town Board of Hurley, John Perry,
Michael Boms, Melinda McKnight,
Peter Humphries, Barbara Zell,
Planning Board of Hurley, Mitchell

*Cohen, Karl Brueckner, Diana Cline,
Wayne Rice, Raymond Palmer and
Tony Bonavist*

By: 
BRIAN S. SOKOLOFF
179 Westbury Avenue
Carle Place, New York 11514
(516) 334-4500
File No. 210031

TO:

James Bacon, Esq.
Attorney for plaintiff
PO Box 575
New Palz, NY 12561

David Kosakoff, Esq.
Kosakoff & Cataldo LLP
Attorney for Nelson, Pope & Voohis
267 Carleton Ave., Suite 301
Central Islip, NY 11722

Chazen Companies

Russell Urban-mead

Adriana Beltrani

Bonnie Franson